

PART TWELVE

ORDINANCE NO. 7868

**AN ORDINANCE PROHIBITING CHILD SEX OFFENDERS
FROM RESIDING NEAR SCHOOLS, PARKS AND
PUBLIC POOLS**

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WHEREAS, the City of Granite City is a home rule unit pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, it is reasonable and necessary for the protection of children that convicted child sex offenders be prohibited from residing or loitering near places frequented by children; and

WHEREAS, per 720 ILCS 5/11-9.3 of the Criminal Statutes of the State of Illinois, it is a felony for a convicted child sex offender to be present on school property without lawful cause or to reside within 500 feet of a school building; and

WHEREAS, it is the intent of the Granite City City Council not to punish any convicted child sex offender beyond what the criminal justice system of the State of Illinois may impose, nor to interfere with private contract and property ownership rights; instead, the intent of this Ordinance is to protect children.

NOW, therefore, it is hereby ordained and decreed as follows:

1. The following definitions apply to this Ordinance:

A "child sex offender" includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of 18 years at the time of the offense. A "child sex offender" includes, but is not limited to, any person required to register under the Illinois Sex Offender

Registration Act, 730 ILCS 150/1 et seq., as now or as hereafter amended, where the victim was under the age of 18 years at the time of the offense. A “child sex offender” further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of 18 years:

- a. sexual exploitation of a child (720 ILCS 5/11-9.1);
- b. predatory criminal sexual assault of a child (720 ILCS 5/12-14.1);
- c. indecent solicitation of a child (720 ILCS 5/11-6);
- d. public indecency committed on school property (720 ILCS 5/11-9);
- e. child luring (720 ILCS 5/10-5(b)(10));
- f. aiding and abetting child abduction (720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10));
- g. soliciting for a juvenile prostitute (720 ILCS 5/11-15.1);
- h. patronizing a juvenile prostitute (720 ILCS 5/11-18.1);
- i. exploitation of a child (720 ILCS 5/11-19.2);
- j. child pornography (720 ILCS 5/11-20.1);
- k. criminal sexual assault (720 ILCS 5/12-13);
- l. aggravated criminal sexual assault (720 ILCS 5/12-14);
- m. aggravated criminal sexual abuse (720 ILCS 5/12-16);
- n. kidnaping or aggravated kidnaping (720 ILCS 5/10-1 or 5/10-2);

- o. unlawful restraint or aggravated unlawful restraint (720 ILCS 5/10-3 or 5/10-3.1).

“School” means any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and pre-schools.

“Loiter” means: standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time-to-time frequented by persons under the age of 18 years.

“Park” includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term “park” includes ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

“Public Pool” includes any parcel of real estate containing any natatorium or other improved real estate, designated or intended for swimming, water recreation, or water sports, whether operated or owned by a public entity, or to which memberships are sold to the public.

- 2. It is unlawful for a child sex offender to reside within 1000 feet of any of the following:
 - a. The real property comprising any school attended by persons under the age of 18 years;
 - b. The real property comprising any park; or

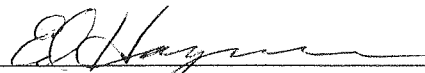
- c. Any public pool.
- 3. It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within 500 feet of any of the following, unless the person loitering is with a child under the age of 18 years and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling, or step-sibling, of that child under the age of 18 years:
 - a. The real property comprising any school attended by persons under the age of 18 years;
 - b. The real property comprising any park; or
 - c. Any public pool.
- 4. It is unlawful for any person, corporation, business, partnership, Trust, manager, or other entity, to enter into any lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within 1000 feet of any of the following:
 - a. The real property comprising any school attended by persons under the age of 18 years; or
 - b. The real property comprising any park; or
 - c. Any public pool.
- 5. Any person found guilty of violating sections 2 or 3 of this Ordinance shall be subject to a fine of between \$25.00 and \$500.00, with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, Trust, manager, or other entity guilty of violating section 4 of this Ordinance shall

be subject to a fine of between \$25.00 and \$500.00, revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, Trust, manager, or other entity violating section 4 of this Ordinance shall be presumed to have had knowledge of the tenant's status as a child sex offender, where that tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, 730 ILCS 152/101 et seq., as now or hereafter amended.

6. In the event a court of competent jurisdiction should declare the terms of any portion of this Ordinance invalid or unenforceable, the remainder of this Ordinance shall remain in full force and effect.
7. All distances designated in this Ordinance shall be measured from the lot line of the park property, public pool property, or school property, and from the lot line of the subject residence.
8. Nothing in this Ordinance prohibits a child sex offender from residing within 1000 feet of any property, if that residence is owned or leased by the child sex offender before the effective date of this Ordinance. This Ordinance is intended to apply to and to prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Ordinance. This Ordinance shall take effect 30 days after passage.


9. The restrictions against child sex offenders in this Ordinance, shall apply to any child sex offender for ten full years after the final day of his or her last parole, discharge, or release from confinement in any penal institution or hospital, whichever is latest. Where a child sex offender was never confined in any penal institution, hospital, or such facility, said ten years shall run from the date of his or her last felony conviction.

APPROVED this 6th day of December, 2005.



MAYOR Edward Hagnauer

ATTEST:



CITY CLERK Judy Whitaker

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